Docket No. **SYB/0092.01**

PTOL-413A -- MODIFIED
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

## Applicant Initiated Interview Request Form

Application No.: 10/605,154 First Named Applicant: Wiss
Examiner: Pham, Khanh B Art Unit: 2166 Status: Pending

Tentative Participants:
(1) John A. Smart (2) Derek G. Reiger
(3) (4)

Proposed Date of Interview: TBD Proposed Time of Interview: TBD

Type of Interview Requested:
(1) [ X ] Telephonic (2) [ ] Personal (3) [ ] Video Conference

Exhibit To Be Shown or Demonstrated: [ ] Yes [ X ] No
If yes, provide brief description: _____

### Issues To Be Discussed

| | Issues (Rej., Obj., etc) | Claims/ Fig. #s | Prior Art | Discussed | Agreed | Not Agreed |
|---|---|---|---|---|---|---|
| (1) | 102 | 1-8, 10-23, 25-32, and 34-43 | Kolovson | [ ] | [ ] | [ ] |
| (2) | 103 | 9, 24 and 33 | Kolovson & Riedel | [ ] | [ ] | [ ] |
| (3) | | | | [ ] | [ ] | [ ] |
| (4) | | | | [ ] | [ ] | [ ] |

[ X ] Continuation Sheet Attached
[ ] Proposed Amendment or Arguments Attached
Brief Description of Arguments to be Presented: **See attached.**

An interview was conducted on the above-identified application on _____.
NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).
This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

/John A. Smart/
Applicant/Applicant's Representative Signature

Examiner/SPE Signature

John A. Smart
Typed/Printed Name of Applicant or Representative

34929
Registration Number, if applicable

December 1, 2010
Date Request Submitted

**CONTINUATION SHEET**
**FOR APPLICANT INITIATED INTERVIEW REQUEST**

Proposed Interview date: TBD (per Examiner's availability)
Proposed Interview time: TBD (per Examiner's availability)

I. Overview of invention, with brief discussion of the problems presented in prior art systems and how the present invention alleviates these problems

II. Discussion of the cited references
A. Kolovson
B. Kolovson & Riedel

III. Review claims and limitations that distinguish the invention over the cited art, including for example
A. Applicant's replicate or standby node remains "live" during system operation, in direct contrast to Kolovson.
B. Kolovson indicates that his primary and standby nodes share the same data, that is, there is only one real copy of the data itself (i.e., a single data store). Kolovson requires an "activation" step during fail-over to bring a new data store on-line -- an approach expressly eschewed by Applicant's claimed invention.
C. Riedel does not address above deficiencies of Kolovson.

IV. Discussion of outstanding issues and wrap-up